

**IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF IOWA
DAVENPORT DIVISION**

<p>CALVIN HAMMOCK,</p> <p>Plaintiff,</p> <p>v.</p> <p>NASA HEADQUARTERS, DEPARTMENT OF DEFENSE, SPACE EXPLORATION TECHNOLOGIES SPACE X, APPLE, BLACKBERRY (CURVE) CORPORATION, VIRGIN MOBILE, MEDIACOM WIFI, AMERICAN WATER IOWA, ANY YET UN-IDENTIFIED ENTITIES, PERSONS, SATELLITES, GOVT. AGENCIES, GOVT. TECHNOLOGIES, INTER AGENCIES, FUSION CENTER PARTICIPANT PARTNERS CORPORATIONS, COMPANIES, SOFTWARE USED BY AND WITH STATE ACTORS AND TEMPORARY STATE ACTORS,</p> <p>Defendants.</p>	<p>Case No. 3:15-cv-00111-CRW-CFB</p> <p>IOWA-AMERICAN WATER COMPANY'S MOTION TO DISMISS</p>
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Comes now Defendant Iowa-American Water Company -- incorrectly identified as "American Water Iowa" in the Summons and Complaint -- by and through its undersigned counsel, and hereby respectfully submits this Motion to Dismiss the Complaint pursuant to Federal Rules of Civil Procedure 12(b)(1) and 12(b)(6).

In support of this Motion, Iowa-American Water Co. states as follows:

1. On October 16, 2015, Plaintiff filed a civil rights Complaint pursuant to 42 U.S.C. §§ 1983 and 1985 against Defendants alleging injuries caused by signals sent to him through Defendants' electronic devices on May 22, 2012.

2. Plaintiff's 42 U.S.C. § 1983 claim must be dismissed because the Complaint contains no factual allegation that Iowa-American Water acted under color of state law and Plaintiff fails to allege sufficient facts to establish that Iowa-American Water is a proper party pursuant to 42 U.S.C. § 1983.

3. Plaintiff's 42 U.S.C. § 1985 claim must fail because Plaintiff failed to allege credible facts from which one might find that Iowa-American Water conspired to violate Plaintiff's civil rights or that it showed discriminatory intent.

4. The Complaint should be dismissed because the two-year statute of limitations applied in Iowa for Plaintiff's claims have expired.

5. The Complaint should be dismissed pursuant to Fed. R. Civ. P. 12(b)(6) because it fails to state a claim upon which relief can be granted.

6. The Complaint should be dismissed because this Court lacks subject matter jurisdiction to hear Plaintiff's claims pursuant to Fed. R. Civ. P. 12(b)(1).

7. A Brief in Support of Motion is attached and incorporated by reference pursuant to L.R. 7(d).

WHEREFORE Defendant Iowa-American Water Company requests that the Court dismiss Plaintiff's claims against Iowa-American Water Company with prejudice and at Plaintiff's cost, and such other relief that the Court deems just and proper.

Date: January 11, 2016

SULLIVAN & WARD, P.C.

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